

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Large application of: ) Examiner: Hamud, Fozia M.  
)  
Kevin P. BAKER, et al. ) Art Unit: 1647  
)  
Application Serial No. 10/015,869 ) Confirmation No: 9681  
)  
Filed: December 11, 2001 ) Attorney's Docket No. 39780-2830 P1C45  
)  
For: **SECRETED AND** ) **Customer No. 35489**  
      **TRANSMEMBRANE** )  
      **POLYPEPTIDES AND NUCLEIC** )  
      **ACIDS ENCODING THE SAME** )

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Date Mailed: SEPTEMBER 9, 2004

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97**

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

☐ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --  
☐ (2) It is being filed within 3 months of entry of a national stage  
-- OR --  
☐ (3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --


09/15/2004 MMEKONEN 00000073 081641 10015869

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- ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- ☒ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- ☐ a certification as specified in §1.97(e) is provided below; **or**
- ☒ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**
- C. a fee of \$180.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of **\$180.00** and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. **08-1641 (Attorney's Docket No. 39780-2830 P1C45).**

Respectfully submitted,

Dated: September 9, 2004

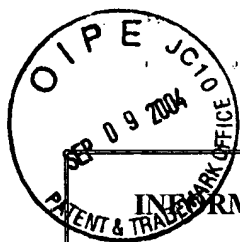
By:   
Anna L. Barry, Ph.D. (Reg. No. 51,436)

**HELLER EHRMAN WHITE & MCAULIFFE LLP**  
275 Middlefield Road  
Menlo Park, California 94025-3506  
Telephone: (650) 324-7000  
Facsimile: (650) 324-0638



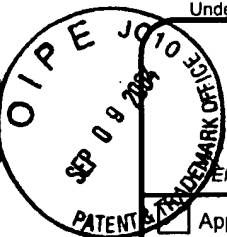
<b>INFORMATION DISCLOSURE STATEMENT</b>  <b>PTO-1449</b>			<b>ATTY. DOCKET NO.:</b> 39780-2830 P1C45		<b>SERIAL NO.:</b> 10/015,869		
			<b>APPLICANT :</b> Kevin P. BAKER, et al.				
			<b>FILING DATE:</b> December 11, 2001		<b>GROUP:</b> 1647		
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
<b>FOREIGN PATENT DOCUMENTS</b>							
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
	Dayhoff, Accession No.: P_AAY99362, WO 200012708-A2, Pub Date: March 9, 2000, Baker, K., et al.						
	Dayhoff, Accession No.: P_AAB24031, WO 200053750-A1, Pub Date: Sep. 14, 2000, Botstein, D., et al.						
	Dayhoff, Accession No.: P_AAE06578, WO 200149728-A2, Pub Date: July 12, 2001, Kato, S., et al.						
	Dayhoff, Accession No.: P_AAB36107, WO 200063438-A2, Pub Date: October 26, 2000, Gould-Rothberg, B.E., et al.						
	Dayhoff, Accession No.: CAC51152.1, WO 0149728-A, Pub Date: July 12, 2001, Kato, S., et al.						
	Dayhoff, Accession No.: AAH06213.1, Direct Submission, Submitted: April 9, 2001, Strausberg, R., et al.						
	Dayhoff, Accession No.: AAH17312.1, Direct Submission, Submitted: November 5, 2001, Strausberg, R., et al.						
	Dayhoff, Accession No.: NP_115724.1, Glia 44 (3), pp 190-204, 2003, Yonezawa, T., et al.						
	Dayhoff, Accession No.: P_AAB92464, EP 1074617-A2, Pub Date: Feb. 7, 2001, Ota, T., et al.						
	Dayhoff, Accession No.: BAB55010.1, Direct Submission, Submitted: May 10, 2001, Isogai, T., et al.						
	GenBank, Accession No.: P_AAC58113, WO 200053750-A1, Pub Date: Sep. 14, 2000, Botstein, D., et al.						
	GenBank, Accession No.: P_AAA37044, WO 200012708-A2, Pub Date: March 9, 2000, Baker, K., et al.						
	GenBank, Accession No.: P_AAC76236, WO 200058473-A2, Pub Date: October 5, 2000, Shimkets, R.A., et al.						
<b>EXAMINER</b>			<b>DATE CONSIDERED</b>				

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



<b>INFORMATION DISCLOSURE STATEMENT</b>  <b>PTO-1449</b>			<b>ATTY. DOCKET NO.:</b> 39780-2830 P1C45			<b>SERIAL NO.:</b> 10/015,869	
			<b>APPLICANT :</b> Kevin P. BAKER, et al.				
			<b>FILING DATE:</b> December 11, 2001			<b>GROUP:</b> 1647	
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
<b>FOREIGN PATENT DOCUMENTS</b>							
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
	GenBank, Accession No.: BC006213, Direct Submission, Submitted: April 9, 2001, Strausberg, R., et al.						
	GenBank, Accession No.: P_AAZ52368, WO 200021986-A2, Pub Date: April 20, 2000, Walker, M. G., et. al.						
	GenBank, Accession No.: BC017312; Direct Submission, Submitted: November 5, 2001, Strausberg, R., et. al.						
	GenBank, Accession No.: P_AAC67985, WO 200063438-A2, Pub Date: Oct. 26, 2000, Gould-Rothberg, B.E., et al.						
	GenBank, Accession No.: P_AAD12573, WO 200149728-A2, Pub Date: July 12, 2001, Kato, S., et al.						
	GenBank, Accession No.: AX191506.1, WO 0149728-A, Pub Date: July 12, 2001, Kato, S., et al.						
	Hanna, J.S., et al., "HER-2/neu Breat Cancer Predictive Testing", Oathology Associates Medical Laboratores, August (1999).						
	Hyman, Elizabeth, et al., "Impact of DNA Amplification on Gene Expression Patterns in Breast Cancer <sup>1,2</sup> ", <i>Cancer Research</i> 62 6240-6245, November (2002).						
	Orntoft, Torben F., et al., "Genome-wide Study of Gene Copy Numbers, Transcripts, and Protein Levels in Pairs of Non-Invasive and Invasive Human Transitional Cell Carcinomas", <i>Molecular &amp; Cellular Proteomics</i> 1:37-45, (2002).						
	Pollack, Jonathan R., et al., "Microarray analysis reveals a major direct role of DNA copy number alteration in the transcriptional program of human breast tumors", <i>PNAS</i> Vol.99, 20:12963-12968, October (2002).						
<b>EXAMINER</b>				<b>DATE CONSIDERED</b>			

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)**180.00**

## Complete if Known

Application Number	10/015,869
Filing Date	DECEMBER 11, 2001
First Named Inventor	KEVIN P. BAKER
Examiner Name	HAMUD, FOZIA M.
Art Unit	1647
Attorney Docket No.	39780-2830 P1C45

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

08-1641 (39780-2830 P1C45)

HELLER EHRMAN WHITE & McAULIFFE LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	180.00
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**180.00**

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	ANNA L. BARRY	Registration No. (Attorney/Agent)	51,436	Telephone	(650) 324-7000
Signature		Date	SEPTEMBER 9, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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